

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MSC.SOFTWARE CORPORATION,

Plaintiff,

v.

ALTAIR ENGINEERING, INC.,
et al.,

Defendants.

Case No. 07-12807

HON. AVERN COHN

ORDER OVERRULING MSC'S OBJECTIONS TO TTS DEFINITIONS (Doc. 1099)

This is a business dispute tried to a jury. The Court set aside a jury's \$26,100,000.00 verdict in favor of MSC and granted Altair a new trial on the issue of damages for breach of confidentiality/misappropriation of three MSC-owned technical trade secrets (TTS) (Doc. 925).

Defining the three TTS has been an issue almost since the case was filed. Eventually, the Court appointed Professor Lee Hollaar as a Technical Advisor to advise as to a description of each TTS. (Doc. 1001). The Court also directed the parties to submit their respective TTS definition proposals along with full copies of the record support for their proposals. See Doc. 1009. Professor Hollaar was then directed to evaluate each parties' proposal and select the definition for each TTS that was most consistent with the trial record. Id. Professor Hollaar recommended selection of the TTS definition submitted by Altair. (Doc. 1082).

After reviewing the parties' submissions to Professor Hollaar, Professor Hollaar's recommendation, and the parties' objections and responses, the Court adopted Professor Hollaar's recommendation to select Altair's set of TTS definitions. (Doc. 1081-1). The Court gave any objecting party an opportunity to schedule a hearing. (Doc. 1081). MSC requested a hearing which was held on February 29, 2016. Following the hearing, the Court gave MSC an opportunity to file written objections. See Doc. 1097. MSC filed objections. (Doc. 1099).

Having reviewed the objections, the Court finds no grounds to reconsider its decision to adopt Professor Hollaar's recommendation. The recommended definitions of each TTS which were submitted by Altair most accurately reflect the evidence presented in the first trial as to each TTS. Professor Hollaar's background and prior experience in this case made him qualified to evaluate the definitions and make a recommendation. Accordingly, MSC's objections are OVERRULED.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: March 29, 2016
Detroit, Michigan